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12 (successor by merger to Defendant WACHOVIA
13 BANK, N.A.) and Defendant METROPOLITAN
14 WEST SECURITIES LLC

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

17 STATE COMPENSATION INSURANCE
18 FUND,

19 Plaintiff,

20 vs.

21 METROPOLITAN WEST SECURITIES
22 LLC; WACHOVIA BANK, N.A.; DOES
23 1 through 10, inclusive; and DOES 11
24 through 20, inclusive,

25 Defendants.

26 CASE NO. CV 09-02959 JSW (EDL)

27 **STIPULATION AND [PROPOSED] ORDER
28 CONTINUING EXPERT DISCOVERY
CUTOFF ONLY**

1 Plaintiff State Compensation Insurance Fund (“State Fund”) and Wells Fargo Bank, N.A.
 2 (successor by merger to Defendant Wachovia Bank, N.A.) and Defendant Metropolitan West
 3 Securities LLC (collectively, “Defendants”) stipulate as follows:

4 WHEREAS the Court entered stipulated orders on August 22, 2011 (Dkt. No. 106),¹
 5 November 14, 2011 (Dkt No. 130),² November 28, 2011 (Dkt. No. 142),³ and December 9, 2011
 6 (Dkt. No. 159),⁴ that together set the following case schedule:

7	Fact discovery cutoff:	December 2, 2011
8	Disclosure of experts and reports:	December 22, 2011 (12:00 p.m.)
9	Disclosure of rebuttal experts and reports:	January 26, 2012
10	Expert discovery cutoff:	February 20, 2012
11	Completion of mediation:	March 13, 2012
12	Dispositive motion hearing date:	March 30, 2012 (9:00 a.m.)
13	Final pretrial conference:	May 21, 2012
14	Trial:	June 11, 2012

15 WHEREAS the parties have completed disclosures of experts and reports and rebuttal
 16 experts and reports, and will be taking six expert depositions between them;

17 WHEREAS the attorneys and certain of the experts have conflicts that have proven to
 18 make scheduling six depositions in a two-week period (allowing one week to review rebuttal
 19 reports and conduct document discovery) very difficult;

20 WHEREAS the parties have met and conferred and agreed to a schedule for all six
 21 depositions between now and March 2, 2012, which schedule lessens the burdens on the parties,
 22 their counsel, and their experts;

23

24

25 ¹ This order continued various case deadlines, pursuant to the parties’ stipulation.

26 ² This order continued the cutoff for fact depositions only, pursuant to stipulation.

27 ³ This order permitted the parties to supplement expert reports in light of a deposition not yet
 taken because it was (and still is) the subject of pending motion practice, pursuant to stipulation.

28 ⁴ This order continued expert discovery, dispositive motion, and mediation deadlines while
 leaving all subsequent pretrial and trial dates the same.

1 WHEREAS the parties believe that if the expert discovery cutoff is continued to March 2,
2 2012 to accommodate this deposition schedule, all other case deadlines (including the trial date)
3 may remain in place;

4 NOW THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE
5 PARTIES HERETO AND THEIR COUNSEL OF RECORD THAT the expert discovery cutoff
6 be continued to March 2, 2012, with all subsequent deadlines (including pretrial and trial dates) to
7 remain the same.

10 || Date: February 6, 2012

MUNGER, TOLLES & OLSON LLP

By: /s/ James C. Rutten

James C. Rutten

Attorneys for Defendants WELLS FARGO BANK, N.A. (successor by merger to WACHOVIA BANK, N.A.) and METROPOLITAN WEST SECURITIES LLC

17 || Date: February 6, 2012

BARGER & WOLEN LLP

By: /s/ J. Russell Stedman

J. Russell Stedman

Attorneys for Plaintiff STATE
COMPENSATION INSURANCE FUND

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: February 7, 2012

The Honorable Jeffrey S. White
United States District Court Judge